

Sentence Review Division
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SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

AUG 14 2020

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-17-235
)	
Plaintiff,)	Ravalli County District Court
)	Montana Twenty-First Judicial District
-vs-)	
)	DECISION
GREGORY MAX SAGE,)	
)	
Defendant.)	

On January 24, 2020, the Defendant was sentenced to a commitment to a state prison to be designated by the Department of Corrections for a period of forty (40) years, with twenty-eight (28) years suspended, for the offense of Charge #1: Sexual Intercourse Without Consent, a Felony, in violation of §45-5-503(1)(4), MCA. The Defendant was designated a Tier 1 Offender and was ordered to complete Phase 1 of the Sexual Offender Treatment prior to being eligible for parole. Phase 2 may be completed after the Defendant's release from custody. The Defendant was given 28 days credit for time served. The Court ordered restitution of \$5,244.48 to be paid to the Department of Corrections.

On August 7, 2020, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared from the Montana State Prison and was represented by Bryan Tipp, Defense Counsel, who appeared by video from Missoula, Montana. The State was represented by William Fulbright, Ravalli County Attorney, who appeared by video from Hamilton, Montana. The Defendant gave a statement.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant

acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive. Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 7th day of August, 2020.

DATED this 14th day of August, 2020.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chairperson



Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 14th day of August, 2020, to:

Clerk of District Court – *via email*
Gregory Max Sage #3026321, Defendant
Hon. Jennifer Lint – *via email*
Bryan Tipp, Defense Counsel– *via email*
William Fulbright, Esq. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division